

House File 661 - Reprinted

HOUSE FILE 661

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 278)

(SUCCESSOR TO HF 80)

(As Amended and Passed by the House March 15, 2023)

A BILL FOR

- 1 An Act providing for the issuance of annual statewide licenses
- 2 for certain establishments offering food for sale, including
- 3 license fees, and including effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 137D.1, subsection 4, Code 2023, is
2 amended to read as follows:

3 4. a. "*Homemade food item*" means a food that is produced
4 and, if packaged, packaged at a home food processing
5 establishment.

6 b. "*Homemade food item*" includes ~~food~~ all of the following:

7 (1) Food that is not time/temperature control for safety
8 food, but does not include such food if produced and sold under
9 section 137F.20.

10 (2) Made-to-order food that is all of the following:

11 (a) Regularly prepared, promptly served, delivered, or
12 otherwise provided to a consumer immediately upon order.

13 (b) Intended for immediate consumption.

14 c. "*Homemade food item*" does not include unpasteurized fruit
15 or vegetable juice, raw sprout seeds, foods containing game
16 animals, fish or shellfish, alcoholic beverages, bottled water,
17 packaged ice, consumable hemp products, food that will be
18 further processed by a food processing plant, time/temperature
19 control for safety food packaged using a reduced oxygen
20 packaging method, milk or milk products regulated under chapter
21 192 or 194, and meat, meat food products, poultry, or poultry
22 products regulated under chapter 189A, except for any of the
23 following products when sold directly to the end consumer:

24 ~~a.~~ (1) Poultry, poultry byproduct, or poultry food product
25 if the producer raised the poultry pursuant to the exemption
26 set forth in 9 C.F.R. §381.10(c)(1) limiting the producer to
27 slaughtering not more than one thousand poultry during the
28 calendar year.

29 ~~b.~~ (2) Poultry, poultry byproduct, or poultry food product
30 if the poultry is from an inspected source exempted pursuant
31 to 9 C.F.R. §381.10(d).

32 ~~c.~~ (3) Meat, meat byproduct, or meat food product if the
33 meat is from an inspected source exempted pursuant to 9 C.F.R.
34 §303.1(d).

35 Sec. 2. Section 137F.6, subsection 1, paragraphs c, g, and

1 h, Code 2023, are amended to read as follows:

2 c. For a temporary food establishment for multiple
3 nonconcurrent events during a calendar year, one annual
4 license fee of two hundred dollars for each establishment on
5 a ~~countywide~~ statewide basis.

6 g. (1) For a food processing plant, the annual license fee
7 shall correspond to the annual gross food and beverage sales
8 of the food processing plant, ~~as follows~~. A food processing
9 plant's annual gross sales shall not correspond to sales of an
10 unprocessed commodity.

11 (2) The annual license fee for an initial license shall be
12 calculated based on the food processing plant's projected gross
13 annual sales. Otherwise, the annual license fee shall be based
14 on the food processing plant's prior annual sales.

15 (3) The amount of the annual license fee shall be as
16 follows:

17 (a) For annual gross sales of less than fifty thousand
18 dollars, seventy-five dollars.

19 ~~{1}~~ (b) Annual For annual gross sales of at least fifty
20 thousand dollars but less than two hundred thousand dollars,
21 one hundred fifty dollars.

22 ~~{2}~~ (c) Annual For annual gross sales of at least two
23 hundred thousand dollars but less than two million dollars,
24 three hundred dollars.

25 ~~{3}~~ (d) Annual For annual gross sales of two million
26 dollars or more, five hundred dollars.

27 h. For a farmers market where time/temperature control for
28 safety food is sold or distributed, one annual license fee
29 of one hundred fifty dollars for each vendor on a ~~countywide~~
30 statewide basis.

31 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
32 importance, takes effect upon enactment.